THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

W.P. NO. 24639 of 1997

DATED: 21-03-2007

Between:-

V.V.M. Babu s/o Nookunaidu, aged about 32 years, Hindu, Junior Assistant (Under suspension) District Do.op. Marketing Society Limited, Anakapalli, Anakapalli Mandal, Visakhapatnam District.

...PETITIONER

And

1. The District Co-op. Marketing Society Limited, Visakhapatnam, represented by its President, Visakahaptnam, Visakhapatnam Districtk
2. The District Co-operative Officer, Visakhapatnam, Visakhapatnam District.

...
RESPONDENTS

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

W.P. NO. 24639 of 1997

O R D E R

This writ petition is filed seeking a Writ of Mandamus to set aside the proceedings in R.C. No. 318/96-A1, dated 27-02-1997, issued by the 1st respondent (District Co-operative Marketing Society Limited, Visakhapatnam).

In the impugned proceedings, the petitioner, who was working as Junior Assistant, was placed under suspension for a period of six months.

In the counter-affidavit filed on behalf of the 2nd respondent, it is stated that on account of irregularities indulged in by the petitioner, he was placed under suspension pending initiation of the department proceedings and on 25.08.1997 the order of suspension was extended, which the petitioner refused to acknowledge.

Sri K. Subrahmanyam, the learned counsel appearing for the petitioner submitted that the order of suspension, which was initially issued for a period of six months, was not subsequently extended and that the averment in the counter-affidavit filed by the 2nd respondent is incorrect to this extent.

The order impugned in this writ petition was one of suspension pending enquiry. There is no stay of enquiry proceedings granted by this Court pending the writ petition. The learned counsel for the petitioner is unable to submit the stage of the enquiry proceedings.

Since about 10 years had elapsed from the time of initiation of the enquiry proceedings and in the absence of stay, it is reasonable to presume that the enquiry proceedings would have been over. In any event, the order of suspension pending enquiry into the serious charges does not suffer from any infirmity in law. It is not the case of the petitioner that the authority, which suspended the petitioner, has no jurisdiction or that the suspension order was passed *mala fide*, which constitute the two exceptions for the general rule, that the orders of suspension would not be interfered with by the Courts.

For the afore-mentioned reasons, the writ petition is fails and is accordingly dismissed. No order as to costs.

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C.V. NAGARJUNA

REDDY, J
Dated: 21-03-2007
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